

S/N 09/684,682

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Gilles H. Tapolsky et al.

Examiner: Edward J. Webman

Serial No.: 09/069,703

Group Art Unit: 1616

Filed: April 29, 1998

Docket: 1195.335US1

Title: PHARMACEUTICAL CARRIER DEVICE SUITABLE FOR DELIVERY OF  
PHARMACEUTICAL COMPOUNDS TO MUCOSAL SURFACES

TERMINAL DISCLAIMER

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

I, Albin J. Nelson, am the attorney of record for the above identified patent application as evidenced by the Power of Attorney filed in the present application on October 4, 2000. I am making this petition on behalf of , the assignee of the present invention. As the attorney of record, I am empowered to act on behalf of the assignee and, in accordance with 37 C.F.R. § 1.321(b)(iv), to sign this terminal disclaimer.

Certificate Under 37 C.F.R. § 3.73(b)

Your petitioner, Atrix Laboratories, certifies that they are the owner of the entire right, title and interest in and to the above-identified patent application (Serial No. 09/069,703) and to U.S. Patent Nos. 5,800,832 and 6,159,498. Your petitioner owns the entire right, title, and interest of these applications by nature of the assignments executed and filed for both of these applications. The assignment for U.S. Patent Nos. 5,800,832 was recorded on March 29, 2005 on Reel 015962, Frame 0793 and 6,159,498 was recorded on March 29, 2005 on Reel 015962, Frame 0785, with the United States Patent and Trademark Office. The above-identified patent application (Serial No. 09/069,703) is related to each of these patents.

The undersigned representative of the assignee has reviewed the evidentiary documents of title and certifies that to the best of assignee's knowledge and belief, title is in the assignee, Atrix Laboratories, seeking to take the action set forth in this disclaimer.

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Terminal Disclaimer

Your petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the above-identified patent application, which would extend beyond the expiration date of the full statutory term, as presently shortened by any terminal disclaimers, of any patent which may issue from U.S. Patent Nos. 5,800,832 and 6,159,498. Petitioner hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to any patent which may issue from U.S. Serial Nos. 5,800,832 and 6,159,498 and the legal title of the above-identified application and any patent granted thereon remain common, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors and assigns.

Limitations on the Disclaimer

Your petitioner does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term as presently shortened by any terminal disclaimer of any patent which may be granted on U.S. Patent Nos. 5,800,832 and 6,159,498 in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321(a), is reissued, has all claims canceled by a reexamination certificate, or is otherwise terminated prior to the expiration date of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title as stated hereinabove. Your petitioner does not disclaim any terminal part of any patent granted on the above-identified application if no patent issues from U.S. Patent Nos. 5,800,832 and 6,159,498.

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Fee Status

Authorization to charge to Deposit Account No. 19-0743 in the amount of \$130.00, which is required under 37 C.F.R. § 1.20(d) to file a statutory disclaimer, is enclosed herewith. The Commissioner of Patents and Trademarks is hereby authorized to charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

GILLES H. TAPOLSKY ET AL.

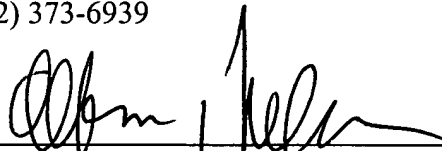
By their Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.  
P.O. Box 2938  
Minneapolis, MN 55402  
(612) 373-6939

Date

Aug 10, 2006

By



Albin J. Nelson

Reg. No. 28,650

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 10<sup>th</sup> day of August, 2006

Name

Dawn M. Poole

Signature

Dawn M. Poole